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10/777,774	02/12/2004	Philip Ted Kortum	1033-LB1039	2947
66/533	7590	01/05/2009		
TOLER LAW GROUP 8500 BLUFFSTONE COVE SUITE A201 AUSTIN, TX 78759			EXAMINER  AJIBADE AKONAI OLUMIDE	
			ART UNIT	PAPER NUMBER
			2617	
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			01/05/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/777,774

**Applicant(s)**

KORTUM ET AL.

**Examiner**

OLUMIDE T. AJIBADE AKONAI

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 7, 9-12, 14 and 23-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9-12, 14 and 23-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-7, 9-12, 14 and 23-31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-4, 6-7, 9-12, 14, 23-26, and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Granberg 6,195,543** in view of **Benco et al 7,068,997** (**hereinafter Benco**) and **Himelhoch 20050032505** and **Bernhart 7,062,640**.

Regarding **claim 1**, Granberg discloses a method comprising determining a first real-time, cost-per-unit-time billing rate for an in-progress telephone call of a wireless telephone (calculating call charges, see abstract, figs. 1 and 3, col. 5, lines 56-67, col. 6, lines 1-13); transmitting the first real-time, cost-per-unit-time billing rate to the wireless telephone (see col. 5, lines 56-67, col. 6, lines 1-12) for display of the first real-time, cost-per-unit-time billing rate (see col. 5, lines 56-67, col. 6, lines 1-12) on a display of the wireless telephone during the in-progress telephone call (displaying call charges during the call, see abstract, col. 6, lines 1-13).

Granberg does not specifically disclose determining a first billing rate description associated with the first real-time, cost-per-unit-time billing rate for an in-progress telephone call of a wireless telephone; transmitting the determined first real-time, cost-per-unit-time billing rate and the first billing rate description to the wireless telephone for display of the first real-time, cost-per-unit-time billing rate and the first billing rate description on a display of the wireless phone during the in-progress call.

In the same field of endeavor, Benco discloses determining a first billing rate description associated with the first real-time, cost-per-unit-time billing rate for an in-progress telephone call of a wireless telephone (determining the per-minute rate of

the MS, as the MS roams to an area outside of its service plan, see fig. 2, col. 3, lines 34-57); and transmitting the determined first real-time, cost-per-unit-time billing rate and the first billing rate description to the wireless telephone for display of the first real-time, cost-per-unit-time billing rate and the first billing rate description on a display of the wireless phone during the in-progress call (transmitting the per-unit roaming charge to the user as the user travels out of a service area and displaying the roaming rate and roaming description such as "roaming rate: \$0.35/min" to the user, see col. 4, lines 17-40).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Benco, by displaying roaming charges on a mobile phone, into the system of Granberg for the benefit of informing a mobile subscriber of the current charges to his current mobile communication session.

Granberg as modified by Benco does not specifically disclose transmitting a warning message to the wireless telephone for display on the display of the wireless telephone in response to the telephone exceeding at least one subscriber-set threshold billing condition.

In the same field of endeavor, Himelhoch discloses transmitting a warning message to the wireless telephone for display on the display of the wireless telephone in response to the telephone exceeding at least one subscriber-set threshold billing condition (user sets an amount of minutes provided by a calling plan in a cellular phone

10, and a visible alarm on the display of the cellular phone 10 when the user exceeds the amount of minutes set by the user in the cellular phone, see p.4, [0037]-[0041]).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made, to combine the teaching of Himelhoch, by having displaying a billing cycle on a screen of a cell phone, into the system of Granberg, as modified by Benco, for the benefit of providing subscribers with a way of keeping track of unused minutes, and minutes and costs that exceed the monthly plan.

Granberg as modified by Benco and Himelhoch does not specifically disclose transmitting a warning message to the wireless telephone in response to the in-progress telephone call exceeding at least one subscriber-set threshold billing condition.

In the same field of endeavor, Bernhart discloses, in a mobile terminal 10 (see fig. 1, col. 4, lines 43-45) transmitting a warning message to the wireless telephone in response to the in-progress telephone call exceeding at least one subscriber-set threshold billing condition (transmitting an alert signal to the display 82 of a mobile terminal 10, the alert signal being in the form of an alteration of the backlighting of the display 82, when the a terminal user of mobile terminal 10 surpasses a threshold dollar amount during a communication session, see figs. 2 and 5, col. 8, lines 1-14 and lines 37-45, col. 9, lines 49-56, and col. 10, lines 1-10 and 44-43).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Bernhart, by alerting a user of a mobile device that the user has gone over a specified amount of minutes/dollar amount while the user is engaged in an on-going communication session, into the

system of Granberg as modified by Benco and Himelhoch, for the benefit of allowing a mobile terminal user save cost by being aware of the cost of a communication session.

Regarding **claim 9**, Granberg discloses a wireless telephone (mobile station 13, see fig. 2, col. 5, lines 27-28) comprising: a receiver to receive a first real-time, cost-per-unit-time billing rate for an in-progress call (see col. 5, lines 56-67, col. 6, lines 1-12); a display to display the first real-time, cost-per-unit-time billing rate during the in-progress call (displaying call charges during the call, see abstract, col. 6, lines 1-13).

Granberg does not specifically disclose a wireless telephone comprising: a receiver to receive a first billing rate description associated with the first real-time, cost-per-unit-time billing rate for an in-progress telephone call; and a display to display the billing rate description during the in-progress telephone call.

In the same field of endeavor, Benco discloses a wireless telephone (MS 24, 30, see fig. 1, col. 3, line 6) comprising: a receiver to receive a first real-time, cost-per-unit-time billing rate and a first billing rate description associated with the first real-time, cost-per-unit-time billing rate for an in-progress telephone call (transmitting the per-unit roaming charge to the user as the user travels out of a service area to the user, see col. 4, lines 17-40); a display to display the first real-time, cost-per-unit-time billing rate and the billing rate description during the in-progress telephone call (transmitting the per-unit roaming charge to the user as the user travels out of a service area and displaying the roaming rate and roaming description such as "roaming rate: \$0.35/min" to the user, see col. 4, lines 17-40).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Benco, by displaying roaming charges on a mobile phone, into the system of Granberg for the benefit of informing a mobile subscriber of the current charges to his current mobile communication session.

Granberg as modified by Benco does not specifically disclose displaying a warning message in response to the telephone exceeding at least one subscriber-set threshold billing condition.

In the same field of endeavor, Himelhoch discloses displaying a warning message in response to the telephone exceeding at least one subscriber-set threshold billing condition (user sets an amount of minutes provided by a calling plan in a cellular phone 10, and a visible alarm on the display of the cellular phone 10 when the user exceeds the amount of minutes set by the user in the cellular phone, see p.4, [0037]-[0041]).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made, to combine the teaching of Himelhoch, by having displaying a billing cycle on a screen of a cell phone, into the system of Granberg, as modified by Benco, for the benefit of providing subscribers with a way of keeping track of unused minutes, and minutes and costs that exceed the monthly plan.

Granberg as modified by Benco and Himelhoch does not specifically disclose displaying in response to the in-progress telephone call exceeding at least one subscriber-set threshold billing condition.



In the same field of endeavor, Bernhart discloses, in a mobile terminal 10 (see fig. 1, col. 4, lines 43-45) displaying a warning message in response to the in-progress telephone call exceeding at least one subscriber-set threshold billing condition (transmitting an alert signal to the display 82 of a mobile terminal 10, the alert signal being in the form of an alteration of the backlighting of the display 82, when the a terminal user of mobile terminal 10 surpasses a threshold dollar amount during a communication session, see figs. 2 and 5, col. 8, lines 1-14 and lines 37-45, col. 9, lines 49-56, and col. 10, lines 1-10 and 44-43).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Bernhart, by alerting a user of a mobile device that the user has gone over a specified amount of minutes/dollar amount while the user is engaged in an on-going communication session, into the system of Granberg as modified by Benco and Himelhoch, for the benefit of allowing a mobile terminal user save cost by being aware of the cost of a communication session.

Regarding **claim 23**, Granberg discloses a system comprising: a message generator (control point 11, see fig. 1, col. 5, line 56) to determine a first real-time, cost-per-unit-time billing rate and a first billing rate description associated with the first real-time, cost-per-unit-time billing rate for an in-progress telephone call of a wireless telephone (determining advice of charge parameters for a call, see abstract, figs. 1 and 3, col. 5, lines 56-67, col. 5, lines 54-67, col. 6, lines 1-13), and to generate a first message having data that indicates the first real-time, cost-per-unit-time billing rate (see figs. 1 and 3, col. 5, lines 56-67, col. 5, lines 54-67, col. 6, lines 1-13).

Granberg does not specifically disclose generating a first message having data that indicates the first real-time, cost-per-unit-time billing rate and the first billing rate description to the wireless telephone during the in-progress telephone call; a wireless service provider to transmit the first message to the wireless telephone for display of the first real-time, cost-per-unit-time billing rate and the first billing rate description during the in-progress telephone call.

In the same field of endeavor, Benco discloses generating a first message having data that indicates the first real-time, cost-per-unit-time billing rate and the first billing rate description to the wireless telephone during the in-progress telephone call (determining the per-minute rate of the MS, as the MS roams to an area outside of its service plan, see fig. 2, col. 3, lines 34-57); a wireless service provider (wireless network, see col. 4, line 28) to transmit the first message to the wireless telephone for display of the first real-time, cost-per-unit-time billing rate and the first billing rate description during the in-progress telephone call (transmitting the per-unit roaming charge to the user as the user travels out of a service area and displaying the roaming rate and roaming description such as "roaming rate: \$0.35/min" to the user, see col. 4, lines 17-40).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Benco, by displaying roaming charges on a mobile phone, into the system of Granberg for the benefit of informing a mobile subscriber of the current charges to his current mobile communication session.

Granberg as modified by Benco does not specifically disclose the first message including a warning message when the telephone exceeds at least one subscriber-set threshold billing condition.

In the same field of endeavor, Himelhoch discloses the first message including a warning message when the telephone exceeds at least one subscriber-set threshold billing condition (user sets an amount of minutes provided by a calling plan in a cellular phone 10, and a visible alarm on the display of the cellular phone 10 when the user exceeds the amount of minutes set by the user in the cellular phone, see p.4, [0037]-[0041]).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made, to combine the teaching of Himelhoch, by having displaying a billing cycle on a screen of a cell phone, into the system of Granberg, as modified by Benco, for the benefit of providing subscribers with a way of keeping track of unused minutes, and minutes and costs that exceed the monthly plan.

Granberg as modified by Benco and Himelhoch does not specifically disclose the first message including a warning message in response to the in-progress telephone call exceeding at least one subscriber-set threshold billing condition.

In the same field of endeavor, Bernhart discloses, the first message including a warning message in response to the in-progress telephone call exceeding at least one subscriber-set threshold billing condition (transmitting an alert signal to the display 82 of a mobile terminal 10, the alert signal being in the form of an alteration of the backlighting of the display 82, when the a terminal user of mobile terminal 10

surpasses a threshold dollar amount during a communication session, see figs. 2 and 5, col. 8, lines 1-14 and lines 37-45, col. 9, lines 49-56, and col. 10, lines 1-10 and 44-43).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Bernhart, by alerting a user of a mobile device that the user has gone over a specified amount of minutes/dollar amount while the user is engaged in an on-going communication session, into the system of Granberg as modified by Benco and Himelhoch, for the benefit of allowing a mobile terminal user save cost by being aware of the cost of a communication session.

Regarding **claim 28**, Granberg discloses a method comprising receiving at a wireless telephone (mobile station 13, see fig. 2, col. 5, lines 27-28) a first real-time, cost-per-unit-time billing rate for an in-progress call (see col. 5, lines 56-67, col. 6, lines 1-12) and displaying the first real-time, cost-per-unit-time billing rate on a display of the wireless telephone during the in-progress telephone call (displaying call charges during the call, see abstract, col. 6, lines 1-13).

Granberg does not specifically disclose receiving at a wireless telephone a first billing rate description associated with the first real-time, cost-per-unit-time billing rate for an in-progress telephone call; and displaying the billing rate description on a display of the telephone during the in-progress telephone call.

In the same field of endeavor, Benco discloses receiving at a wireless telephone (MS 24, 30, see fig. 1, col. 3, line 6) a first real-time, cost-per-unit-time billing rate and a first billing rate description associated with the first real-time, cost-per-unit-time billing rate for an in-progress telephone call (transmitting the per-unit roaming

charge to the user as the user travels out of a service area to the user, see col. 4, lines 17-40); and displaying the first real-time, cost-per-unit-time billing rate and the billing rate description on a display of the wireless telephone during the in-progress telephone call (transmitting the per-unit roaming charge to the user as the user travels out of a service area and displaying the roaming rate and roaming description such as "roaming rate: \$0.35/min" to the user, see col. 4, lines 17-40).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Benco, by displaying roaming charges on a mobile phone, into the system of Granberg for the benefit of informing a mobile subscriber of the current charges to his current mobile communication session.

Granberg as modified by Benco does not specifically disclose receiving at the wireless telephone a warning message for display on the wireless telephone in response to the telephone exceeding at least one subscriber-set threshold billing condition.

In the same field of endeavor, Himelhoch discloses receiving a warning message for display on a wireless telephone in response to the wireless telephone exceeding at least one subscriber-set threshold billing condition (user sets an amount of minutes provided by a calling plan in a cellular phone 10, and a visible alarm on the display of the cellular phone 10 when the user exceeds the amount of minutes set by the user in the cellular phone, see p.4, [0037]-[0041]).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made, to combine the teaching of Himelhoch, by having displaying a billing cycle on a screen of a cell phone, into the system of Granberg, as modified by Benco, for the benefit of providing subscribers with a way of keeping track of unused minutes, and minutes and costs that exceed the monthly plan.

Granberg as modified by Benco and Himelhoch does not specifically disclose receiving a warning message at the wireless telephone in response to the in-progress telephone call exceeding at least one subscriber-set threshold billing condition.

In the same field of endeavor, Bernhart discloses, in a mobile terminal 10 (see fig. 1, col. 4, lines 43-45) receiving a warning message at the wireless telephone in response to the in-progress telephone call exceeding at least one subscriber-set threshold billing condition (transmitting an alert signal to the display 82 of a mobile terminal 10, the alert signal being in the form of an alteration of the backlighting of the display 82, when the a terminal user of mobile terminal 10 surpasses a threshold dollar amount during a communication session, see figs. 2 and 5, col. 8, lines 1-14 and lines 37-45, col. 9, lines 49-56, and col. 10, lines 1-10 and 44-43).

It would therefore have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Bernhart, by alerting a user of a mobile device that the user has gone over a specified amount of minutes/dollar amount while the user is engaged in an on-going communication session, into the system of Granberg as modified by Benco and Himelhoch, for the benefit of allowing a mobile terminal user save cost by being aware of the cost of a communication session.

Regarding **claim 2**, as applied to claim 1, Granberg further discloses determining a second real-time, cost-per-unit-time billing rate for the in-progress telephone call of the wireless telephone (calculating a charge for a call due to changing conditions, see col. 6, lines 3-10); and transmitting the second real-time, cost-per-unit-time billing rate for display of the wireless telephone during the in-progress telephone call (displaying call charges during the call, see abstract, col. 6, lines 1-13). Benco further discloses determining a second billing rate description associated with the second real-time, cost-per-unit-time billing rate (see col. 4, lines 17-40) and transmitting the determined second real-time, cost-per-unit-time billing rate and the second billing rate description for display of the second real-time, cost-per-unit-time billing rate and the second billing rate description on the display of the wireless telephone (see col. 4, lines 17-40).

Regarding **claims 3, 11, 25, and 31**, Granberg further discloses wherein the second real-time, cost-per-unit-time billing rate differs from the first, cost-per-unit-time billing rate (see col. 6, lines 3-7). Benco discloses wherein the second billing rate description differs from the first billing rate description (see col. 4, lines 17-40).

Regarding **claims 4, 12 and 26**, Granberg, as modified by Benco disclose the claimed invention. Benco further discloses wherein the first real-time, cost-per-unit-time billing rate comprises a cost-per-minute rate (see col. 3, lines 55-57).

Regarding **claims 6, 14 and 29**, Granberg, as modified by Benco disclose the claimed invention. Benco further discloses wherein the first rate description and the first real-time, cost-per-unit-time billing rate are simultaneously displayed by the display of the wireless telephone (see col. 4, lines 28-32).

Regarding **claim 7**, Granberg, as modified by Benco disclose the claimed invention. Benco further discloses wherein transmitting the first real-time cost-per-unit-time billing rate and the first billing rate description comprises: transmitting data indicating the first real-time, cost-per-unit-time billing rate and the billing rate description (per-minute roaming charge, see figs. 1 and 2, col. 3, lines 20-25, lines 47-51) from the remote node (wireless network, see col. 4, lines 28-32) to the wireless telephone during the in-progress telephone call (see col. 4, lines 28-32).

Regarding **claim 10**, Granberg, as modified by Benco disclose the claimed invention. Benco further wherein the display is further to display, a second real-time, cost-per-unit-time billing rate and a second billing rate description associated with the second real-time, cost-per-unit-time billing rate during the in-progress telephone call (see col. 4, lines 17-40).

Regarding **claim 24**, Granberg further discloses the message generator is further to determine a second real-time, cost-per-unit-time billing rate (calculating a charge for a call due to changing conditions, see col. 6, lines 3-10) and transmitting the second real-time, cost-per-unit-time billing rate for display of the wireless telephone during the in-progress telephone call (displaying call charges during the call, see abstract, col. 6, lines 1-13). Benco further discloses determining a second billing rate description associated with the second real-time, cost-per-unit-time billing rate for the in-progress telephone call of the wireless telephone (see col. 4, lines 17-40), and generating a second message having data that indicates the second real-time, cost-per-unit-time billing rate and the second billing rate description (see col. 4, lines 17-



40); and the wireless service provider is further to transmit the second message to the wireless telephone for display of the second real-time, cost-per-unit-time billing rate and the second billing rate description during the in-progress telephone call (see col. 4, lines 17-40).

Regarding **claim 27**, Granberg as modified by Benco and Himelhoch and Bernhart disclose the claimed invention. Himelhoch further discloses wherein a message generator (see fig. 1) is further to generate a message indicating a number of days remaining in a billing period on the display (see fig. 1, p.3, [0031], [0033]).

Regarding **claim 30**, Granberg as modified by Benco discloses the claimed limitation. Benco further discloses receiving at the wireless telephone a second real-time, cost-per-unit-time billing rate and a second billing rate description associated with the second real-time, cost-per-unit-time billing rate for the in-progress telephone call via the wireless telephone (receiving the per-unit roaming charge to the user as the user travels out of a service area and displaying the roaming rate and roaming description such as "roaming rate: \$0.35/min" to the user, see col. 4, lines 17-40); and displaying the second real-time, cost-per-unit-time billing rate and the second billing rate description on the display of the wireless telephone during the in-progress telephone call (displaying the roaming rate and roaming description such as "roaming rate: \$0.35/min" to the user, see col. 4, lines 17-40).

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUMIDE T. AJIBADE AKONAI whose telephone number is (571)272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Alexander Eisen/  
Supervisory Patent Examiner, Art Unit 2617  
31-Dec-08